

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARCELINO PEREA,

Plaintiff(s),

vs.

MORTGAGE INVESTORS GROUP,
et al.,

Defendant(s).

Case No. 2:10-cv-1080-RLH-LRL

ORDER
(Motion to Dismiss—#5)

Before the Court is Defendants BAC Home Loans Servicing, LP and ReconTrust Company, N.A. (“BAC Defendants”)’s Motion to Dismiss (#5, filed July 8, 2010). No opposition has been filed. The moving Defendants have filed a Request for Entry of Order dismissing Case Due to Plaintiff’s Non-Opposition (#12, filed August 25, 2010).

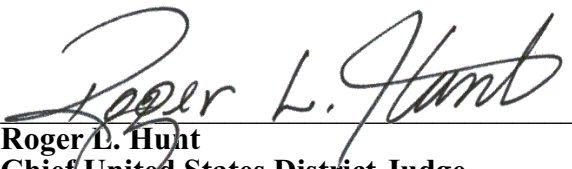
Local Rule 7-2(d) provides that failure to file points and authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capitol, Inc.* 718 F.Supp. 828, 831 (D. Nev. 1989). It has been said these local rules, no less than the federal rules or acts of Congress, have the force of law. *United States v. Hvass*, 355 U.S. 570, 574-575 (1958); *Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself has upheld the dismissal of a matter for failure to respond under the local court rules. *Black Unity League of Kentucky v. Miller*, 394 U.S. 100, 89 S. Ct. 766 (1969).

////

1 Moreover, the Motion has merit. Accordingly, the Motion will be granted on the
2 merits, as stated in the Motion, and on the grounds of Plaintiff's failure to file any opposition.

3 IT IS THEREFORE ORDERED that Defendants BAC Home Loans Servicing, LP
4 and ReconTrust Company, N.A. ("BAC Defendants")'s Motion to Dismiss (#5) is GRANTED, and
5 the case is dismissed against those Defendants.

6 Dated: September 8, 2010.

7
8 
9 **Roger L. Hunt**
Chief United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26